

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-112-C - ORDER NO. 2007-538
AUGUST 9, 2007

IN RE: Application of WinSonic Digital Media)	ORDER GRANTING
Group, Ltd. for a Certificate of Public)	MOTION TO DISMISS
Convenience and Necessity to Provide)	WITH PREJUDICE
Facilities-Based and Resold Local Exchange)	
and Long Distance Service Offerings within)	
the State of South Carolina.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Office of Regulatory Staff (ORS) to dismiss the Application in this Docket concerning WinSonic Digital Media Group, Ltd. (WinSonic or the Company). WinSonic filed an Application for a Certificate of Public Convenience and Necessity to provide facilities-based and resold local exchange and long distance service offerings within South Carolina.

This Commission appointed a Hearing Examiner to hear this matter, pursuant to Order No. 2007-259. Upon a request by ORS for dismissal, or in the alternative, new prefiling dates, the Hearing Examiner issued a directive on June 11, 2007 stating that WinSonic must obtain South Carolina counsel for representation by 4:45 p.m. on Monday, June 25, 2007. The Hearing Examiner also advised that a failure to do so could result in dismissal. On Thursday, July 5, 2007, Ms. Jackson, the only witness for the Company, informed counsel for ORS that she would not be attending the hearing

scheduled for Monday, July 9, 2007 at 11:30 a.m., and, further, that the Company did not have counsel to represent the Company at the hearing. Counsel for ORS requested that Ms. Jackson promptly notify the Commission and all parties in the event that the hearing would need to be cancelled. As of Friday, July 6, 2007, the Commission had not been notified by Ms. Jackson that she did not intend to appear for the hearing.

On Monday, July 9, 2007, at approximately 8:15 a.m., counsel for ORS retrieved an electronic message, sent by Ms. Jackson on Saturday, July 7, 2007, informing counsel for ORS once again that Ms. Jackson would not be present at the July 9, 2007 hearing. The message further stated once again that the Company had not retained counsel for the hearing.

Counsel for ORS advised this Commission, along with all parties, via electronic mail, at approximately 8:45 a.m. on July 9, 2007, of Ms. Jackson's e-mail. ORS requested that this matter be dismissed. The Hearing Examiner determined, based on Ms. Jackson's notification that she would not appear and the fact that the Company did not retain counsel for the hearing, that the hearing would be cancelled. The Hearing Examiner further indicated that he would entertain formal motions on this matter. The Motion to Dismiss by ORS was subsequently filed and is now before this Commission.

ORS points out that, pursuant to 26 S.C. Code Ann. Regs. 103-804(T)(1)(a) and (b), the Applicant is required to be represented in a proceeding before the Commission by an attorney authorized to practice law in South Carolina (or authorized to practice before the courts of any other state upon association with an attorney admitted to practice in South Carolina). The Company stated through Ms. Jackson that it had no counsel for the

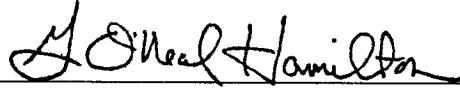
hearing. Additionally, there has been no letter of representation filed by an attorney on behalf of the Company in this matter.

ORS further asserts that, pursuant to 26 S.C. Code Ann. Regs. 103-844(A), that this matter may be dismissed with prejudice, due to the failure to appear. The only witness for the company stated through e-mails on two separate occasions that she would not be present for the hearing, and she did not request a continuance in the matter. Further, we would note that the Company never formally stated to the Commission or the Hearing Examiner that it would not be attending the hearing. The Hearing Examiner was informed of this fact by counsel for the Office of Regulatory Staff. ORS requests that its Motion to Dismiss be granted with prejudice.

We agree, and we grant the ORS Motion to Dismiss the Application with prejudice. First, the Company was informed that failure to obtain counsel could result in dismissal of its Application. The Company failed to obtain counsel as ordered. Second, 26 S.C. Code Ann. Regs. 103-844 (A) states that if an applicant fails to attend a hearing personally or through an authorized representative without having obtained a continuance, the Commission may dismiss the Application with or without prejudice. In this case, counsel for ORS was informed twice by a Company representative that the Company would not attend the hearing and that the Company had not obtained counsel for the hearing. We find that the Company failed to attend the hearing as specified under the regulation. Further, the Company failed to inform the Commission directly of its intentions. Accordingly, we believe that the Application should be dismissed with

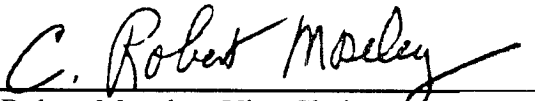
prejudice, and that the ORS Motion to Dismiss should be granted, with prejudice. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)